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Attorney for Plaintiff  
BENJAMIN K. HABER

FILED  
13 DEC 12 PM 2:19  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

BENJAMIN K. HABER,

Plaintiff,

vs.

UNITED RECOVERY SYSTEMS,  
LP, and DOES 1 to 10, inclusive,  
Defendant(s).

Case No.: **OV13-9162 MAN**

**COMPLAINT AND DEMAND FOR  
JURY TRIAL FOR VIOLATIONS  
OF:**

- 1. THE FAIR DEBT COLLECTION  
PRACTICES ACT  
[15 U.S.C. § 1692]**
- 2. THE ROSENTHAL FAIR DEBT  
COLLECTION PRACTICES  
ACT, CAL. CIV. CODE § 1788**
- 3. THE TELEPHONE CONSUMER  
PROTECTION ACT  
[47 U.S.C. § 227]**

**COMPLAINT FOR DAMAGES**

**I. INTRODUCTION**

1. Benjamin K. Haber ("Plaintiff") brings this action against United Recovery Systems, LP ("Defendant") for violations of the Fair Debt Collection

1 Practices Act ("FDCPA"), 15 U.S.C. § 1692, the Rosenthal Fair Debt Collection  
2 Practices Act ("RFDCPA"), CAL. CIV. CODE § 1788 and the Telephone Consumer  
3 Protection Act ("TCPA"), 47 U.S.C. § 227. The FDCPA prohibits false or  
4 deceptive practices in connection with the collection of debts. The TCPA is a  
5 federal statute that broadly regulates the use of automated telephone equipment.  
6 Among other things, the TCPA prohibits certain unsolicited marketing calls,  
7 restricts the use of automatic dialers or prerecorded messages, and delegates  
8 rulemaking authority to the Federal Communications Commission ("FCC").

## 9 **II. JURISDICTION AND VENUE**

10 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) which  
11 states that any action to enforce liability created by the FDCPA may be brought in  
12 any appropriate United States district court. Jurisdiction of this court also arises  
13 under 28 U.S.C. §§ 1331, 1337 and 1367. Pursuant to 28 U.S.C. § 1367,  
14 Jurisdiction is further proper as to Plaintiff's RFDCPA claim as it is so related to  
15 Plaintiff's FDCPA claim that it forms part of the same case or controversy under  
16 Article III of the United States Constitution.

17 3. Pursuant to 28 U.S.C. § 1391(b)(2), venue is proper in this district  
18 because Plaintiff resides in this District, Defendant transacts business in this  
19 District and Defendant's collection communications were received by Plaintiff in  
20 this District and thus, a substantial part of the events or omissions giving rise to  
21 this action occurred in this District.

## 22 **III. PARTIES**

23 4. Plaintiff is an individual residing in Burbank, Los Angeles County,  
24 California 91506. Plaintiff is a natural person obligated or allegedly obligated to  
25 pay any debt and, as such, Plaintiff is a "consumer" as defined by the FDCPA, 15  
26 U.S.C. § 1692a(3). Plaintiff is a natural person from whom a debt collector seeks  
27 to collect a consumer debt which is due and owing or alleged to be due and owing  
28

1 from such person. Thus, Plaintiff is a "debtor" as defined by the RFDCPA, CAL.  
2 CIV. CODE § 1788.2(h).

3 5. Defendant is a foreign limited partnership, registered under the laws  
4 of the State of Texas. Defendant's principle place of business is 5800 North  
5 Course Drive, Houston, Texas 77072.

6 6. Defendant's principal purpose is the collection of debts and  
7 Defendant regularly collects or attempts to collect the debts owed or due or  
8 asserted to be owed or due another. Defendant regularly uses the telephone and  
9 the mail to engage in the business of collecting debt in several states including,  
10 California. Thus, Defendant is a "debt collector" as defined by the FDCPA, 15  
11 U.S.C. § 1692a(6).

12 7. In the ordinary course of business, regularly, on behalf of itself or  
13 others, Defendant engages in debt collection and thus, Defendant is a "debt  
14 collector" as defined by the RFDCPA, CAL. CIV. CODE § 1788.2(c).

15 8. The true names and capacities, whether individual, corporate, or in  
16 any other form, of Defendants DOES 1 through 10, inclusive, and each of them,  
17 are unknown to Plaintiff, who therefore sues them by such fictitious names.  
18 Plaintiff will seek leave to amend this Complaint to show the true names and  
19 capacities of DOES 1 through 10 should they be discovered.

#### 20 **IV. FACTUAL ALLEGATIONS**

21 9. Within one year prior to the filing of this action, Defendant contacted  
22 Plaintiff to collect a debt originally incurred with Chase Bank U.S.A., N.A.  
23 ("alleged debt").

24 10. The alleged debt is an obligation or alleged obligation of a consumer  
25 to pay money arising out of a transaction in which the money, property,  
26 insurance, or services which are the subject of the transaction are primarily for  
27 personal, family, or household purposes, whether or not such obligation has been  
28

1 reduced to judgment. Thus, the alleged debt is a "debt" as defined by 15 U.S.C. §  
2 1692a(5).

3 11. The alleged debt is money, property or their equivalent, due or  
4 owing or alleged to be due or owing from a natural person by reason of a  
5 consumer credit transaction, which qualifies as a "consumer debt," as defined by  
6 RFDCPA, CAL. CIV. CODE § 1788.2(f).

7 12. At all times relevant to this action, Defendant owned, operated  
8 and/or controlled telephone numbers (281) 901-6993, (832) 379-5398, (832) 379-  
9 5401, (832) 379-5403, (855) 355-5512, (888) 763-2425 and (888) 763-2427. At  
10 all times relevant to this action, Defendant called Plaintiff from, but not limited  
11 to, telephone numbers (281) 901-6993, (832) 379-5398, (832) 379-5401, (832)  
12 379-5403, (855) 355-5512, (888) 763-2425 and (888) 763-2427 for the purpose of  
13 collecting the alleged debt.

14 13. Between December 21, 2012 and January 30, 2013, Defendant called  
15 Plaintiff from no less than seven (7) different numbers for the purpose of  
16 collection the alleged debt.

17 14. Defendant's practice of calling Plaintiff from multiple different  
18 numbers was intended to deceive Plaintiff. Defendant's practice of calling  
19 Plaintiff from multiple different numbers mislead Plaintiff. Defendant's practice  
20 of calling consumers from multiple different numbers would be misleading to the  
21 least sophisticated consumer.

22 15. In December 2012, Plaintiff informed Defendant that Plaintiff was  
23 represented by an attorney. Plaintiff provided Defendant with Plaintiff's  
24 attorney's contact information. Plaintiff requested that Defendant cease  
25 contacting Plaintiff in regards to the alleged debt. Plaintiff requested that  
26 Defendant direct any future contact directly to Plaintiff's attorney.

27 16. On or about, but not limited to, the following dates and at the  
28 following times, Defendant called Plaintiff's cellular telephone number (213)

1 840-4033 for the purpose of collecting the alleged debt after Plaintiff requested  
 2 that Defendant cease contacting him and after Plaintiff notified Defendant that  
 3 Plaintiff was represented by an attorney in regards to the alleged debt:

4 (a) December 21, 2012 at approximately 9:54 a.m.;

5 (b) December 26, 2012 at approximately 8:49 a.m.;

6 (c) January 15, 2013 at approximately 1:33 p.m.;

7 (d) January 16, 2013 at approximately 5:22 p.m.;

8 (e) January 17, 2013 at approximately 5:19 p.m.;

9 (f) January 22, 2013 at approximately 12:35 p.m.;

10 (g) January 30, 2013 at approximately 3:44 p.m.

11 17. Defendant's conduct as described in detail above was done to  
 12 harass, oppress, or abuse Plaintiffs.

13 18. Defendant's conduct as described in detail above amounted to any  
 14 false, deceptive or misleading representation or means in connection with the  
 15 collection of any debt.

16 19. Defendant's conduct as described in detail above amounted to any  
 17 false representation or deceptive means to collect a debt or obtain information  
 18 about Plaintiff.

19 20. Defendant's conduct as described in detail above amounted to an  
 20 unfair or unconscionable means to collect or attempt to collect the alleged debt.

21 21. At all times relevant to this action, while conducting business in  
 22 Massachusetts, Defendant has been subject to, and required to abide by, the laws  
 23 of the United States, which included the TCPA and its related regulations that are  
 24 set forth at 47 C.F.R. § 64.1200 ("TCPA Regulations"), as well as the opinions,  
 25 regulations and orders issued by the courts and the FCC implementing,  
 26 interpreting and enforcing the TCPA and the TCPA regulations.

27 22. At all times relevant to this action, Defendant owned, operated  
 28 and/or controlled an "automatic telephone dialing system" as defined by TCPA



1 47 U.S.C. § 227(a)(1) that originated, routed and/or terminated  
2 telecommunications.

3 23. Within four years prior to the filing of this action, Defendant called  
4 Plaintiff at Plaintiff's cellular telephone number (213) 840-4033 multiple times  
5 using an artificial prerecorded voice or using equipment which has the capacity to  
6 store or produce telephone numbers to be called, using random or sequential  
7 number generator and to dial such numbers, also known as an "automatic  
8 telephone dialing system" as defined by TCPA 47 U.S.C. § 227(a)(1)(A) and (B).

9 24. Defendant never received Plaintiff's consent to call Plaintiff on  
10 Plaintiff's cellular telephone using an "automatic telephone dialing system" or an  
11 "artificial or prerecorded voice" as defined in 47 U.S.C. § 227 (a)(1).

12 25. Even assuming Defendant received Plaintiff's consent to call  
13 Plaintiff on Plaintiff's cellular telephone using an "automatic telephone dialing  
14 system" or an "artificial or prerecorded voice" as defined in 47 U.S.C. § 227  
15 (a)(1), this consent was revoked when Plaintiff requested that Defendant cease  
16 calling Plaintiff in December 2012.

17 26. Upon information and belief, at no time have Plaintiff and Defendant  
18 had an "established business relationship" as defined by 47 U.S.C. § 227(a)(2).

19 27. Upon information and belief, Defendant is not a tax exempt  
20 nonprofit organization.

21 28. Defendant willfully violated the TCPA when it contacted Plaintiff's  
22 cellular telephone using an "automatic telephone dialing system" or using an  
23 "artificial or prerecorded voice." Defendant's conduct was willful because  
24 Plaintiff requested Defendant cease contacting Plaintiff in December 2012.

25 29. Upon information and belief, within four years prior to the filing of  
26 this action, Defendant willfully and/or knowingly contacted Plaintiff no less than  
27 seven (7) times at Plaintiff's cellular telephone using an "automatic telephone  
28

1 dialing system” or using an “artificial or prerecorded voice” in violation of the  
2 TCPA.

### 3 **V. FIRST CAUSE OF ACTION**

#### 4 **(Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692)**

5 30. Plaintiff incorporates by reference all of the above paragraphs of this  
6 Complaint as though fully stated herein.

7 31. Defendant violated the FDCPA. Defendant’s violations include, but  
8 are not limited to, the following:

9 (a) Defendant violated 15 U.S.C. § 1692c(a)(2) by communicating with  
10 a consumer in connection with the collection of any debt when the debt collector  
11 knows the consumer is represented by an attorney with respect to such debt; and

12 (b) Defendant violated 15 U.S.C. § 1692d by engaging in conduct, the  
13 natural consequence of which is to harass, oppress or abuse any person in  
14 connection with the collection of the alleged debt; and

15 (c) Defendant violated 15 U.S.C. § 1692e by using false, deceptive, or  
16 misleading representation or means in connection with the collection of the  
17 alleged debt; and

18 (d) Defendant violated 15 U.S.C. § 1692e(10) by using false  
19 representation or deceptive means to collect a debt or obtain information about a  
20 consumer; and

21 (e) Defendant violated 15 U.S.C. § 1692f by using unfair or  
22 unconscionable means in connection with the collection of an alleged debt.

23 32. Defendant’s acts as described above were done intentionally with the  
24 purpose of coercing Plaintiff to pay the alleged debt.

25 33. As a result of the foregoing violations of the FDCPA, Defendant is  
26 liable to Plaintiff for declaratory judgment that Defendant’s conduct violated the  
27 FDCPA, actual damages, statutory damages, and costs and attorney fees.

## VI. SECOND CAUSE OF ACTION

**(Violation of the Rosenthal Fair Debt Collection Practices Act, CAL. CIV. CODE § 1788)**

34. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

35. Defendant violated the RFDCPA. Defendant's violations include, but are not limited to, the following:

(a) Defendant violated CAL. CIV. CODE § 1788.11(d) by causing a telephone to ring repeatedly or continuously to annoy the person called; and

(b) Defendant violated CAL. CIV. CODE § 1788.11(e) by communicating, by telephone or in person, with the debtor with such frequency as to be unreasonable and to constitute an harassment to the debtor under the circumstances; and

(c) Defendant violated CAL. CIV. CODE § 1788.17 by collecting or attempting to collect a consumer debt without complying with the provisions of Sections 1692b to 1692j, inclusive, of . . . Title 15 of the United States Code (Fair Debt Collection Practices Act).

(i) Defendant violated CAL. CIV. CODE § 1788.17 by violating 15 U.S.C. § 1692c(a)(2) by communicating with a consumer in connection with the collection of any debt when the debt collector knows the consumer is represented by an attorney with respect to such debt; and

(ii) Defendant violated CAL. CIV. CODE § 1788.17 by violating 15 U.S.C. § 1692d by engaging in conduct, the natural consequence of which is to harass, oppress or abuse any person in connection with the collection of the alleged debt; and

(iii) Defendant violated CAL. CIV. CODE § 1788.17 by violating 15 U.S.C. § 1692e by using false, deceptive, or misleading representation or means in connection with the collection of the alleged debt; and



(iv) Defendant violated CAL. CIV. CODE § 1788.17 by violating 15 U.S.C. § 1692e(10) by using false representation or deceptive means to collect a debt or obtain information about a consumer; and

(v) Defendant violated CAL. CIV. CODE § 1788.17 by violating 15 U.S.C. § 1692f by using unfair or unconscionable means in connection with the collection of an alleged debt.

36. Defendant's acts, as described above, were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

37. As a result of the foregoing violations of the RFDCPA, Defendant is liable to Plaintiff for declaratory judgment that Defendant's conduct violated the RFDCPA, actual damages, statutory damages, and attorney's fees and costs.

## **VII. THIRD CAUSE OF ACTION**

### **(Violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227)**

38. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

39. Defendant violated the TCPA. Defendant's violations include, but are not limited to the following:

(a) Within four years prior to the filing of this action, on no less than seven (7) occasions, Defendant violated TCPA 47 U.S.C. § 227 (b)(1)(A)(iii) which states in pertinent part, "It shall be unlawful for any person within the United States . . . to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice — to any telephone number assigned to a . . . cellular telephone service . . . or any service for which the called party is charged for the call.

(b) Upon information and belief, within four years prior to the filing of this action, on no less than seven (7) occasions, Defendant willfully and/or knowingly contacted Plaintiff at Plaintiff's cellular telephone using an artificial

1 prerecorded voice or an automatic telephone dialing system and as such,  
2 Defendant knowing and/or willfully violated the TCPA.

3 40. As a result of Defendant's violations of 47 U.S.C. § 227, Plaintiff is  
4 entitled to an award of five hundred dollars (\$500.00) in statutory damages, for  
5 each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B). If the Court finds  
6 that Defendant knowingly and/or willfully violated the TCPA, Plaintiff is entitled  
7 to an award of one thousand five hundred dollars (\$1,500.00), for each and every  
8 violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

9 41. Plaintiff is also entitled to seek injunctive relief prohibiting such  
10 conduct in the future.

### 11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff respectfully requests that judgment be entered  
13 against Defendant for the following:

14 (a) Declaratory judgment that Defendant's conduct violated the FDCPA,  
15 RFDCPA and the TCPA pursuant to 28 U.S.C. §§ 2201 and 2202; and

16 (b) An injunction prohibiting Defendant from contacting Plaintiff on  
17 Plaintiff's cellular telephone using an automated dialing system pursuant to 47  
18 U.S.C. § 227(b)(3)(A); and

19 (c) Actual damages pursuant to 15 U.S.C. § 1692k(a)(1), CAL. CIV.  
20 CODE § 1788.30(a) and 47 U.S.C. § 227(b)(3)(B); and

21 (d) Statutory damages pursuant to 15 U.S.C. § 1692k(a)(2) and CAL.  
22 CIV. CODE § 1788.30(b); and

23 (e) As a result of Defendant's violations of 47 U.S.C. § 227(b)(1),  
24 Plaintiff is entitled to and requests five hundred dollars (\$500.00) in statutory  
25 damages, for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B); and

26 (f) As a result of Defendant's willful and/or knowing violations of 47  
27 U.S.C. § 227(b)(1), Plaintiff is entitled to and requests treble damages, as  
28 provided by statute, up to one thousand five hundred dollars (\$1,500.00), for each

1 and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. §  
2 227(b)(3)(C); and

3 (g) Costs and reasonable attorney fees pursuant to 15 U.S.C. §  
4 1692k(a)(3) and CAL. CIV. CODE § 1788.30(c); and

5 (h) Awarding Plaintiff any pre-judgment and post-judgment interest as  
6 may be allowed under the law; and

7 (i) For such other and further relief as the Court may deem just and  
8 proper.

9 **DEMAND FOR JURY TRIAL**

10 Please take notice that Plaintiff demands a trial by jury in this action.  
11  
12

13 RESPECTFULLY SUBMITTED,  
14

15 Dated: December 11, 2013

PRICE LAW GROUP, APC

16  
17  
18 By: 

19 G. Thomas Martin, III  
20 *Attorney for Plaintiff*  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

NOTICE TO COUNSEL

(For use in Direct Assignment of Civil Cases to Magistrate Judges Program only)

*The court has directed that the following rules be specifically called to your attention:*

- I. Notice of Right to Consent to Disposition of a Civil Case by a United States Magistrate Judge [28 U.S.C. § 636(c) and General Order 11-06].
- II. Continuing Obligation to Report Related Cases (Local Rule 83-1.3.3)
- III. Service of Papers and Process (Local Rule 4)

I. NOTICE OF RIGHT TO CONSENT TO DISPOSITION OF A CIVIL CASE BY A UNITED STATES MAGISTRATE

Pursuant to Local Rule 73-2, the initiating party must serve this notice and consent form CV-11C on each party at the time of service of the summons and complaint or other initial pleading.

This case has been randomly assigned to Magistrate Judge Noble  
under the Direct Assignment of Civil Cases to Magistrate Judge Program in accordance with General Order 11-06. The case number on all documents filed with the court must read as follows:

**CV13-9162**

The parties are advised that their consent is required if the above assigned magistrate judge is to conduct all further proceedings in the case, including trial and final entry of judgment pursuant to 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73. Should the parties not consent to proceed before the above assigned magistrate judge, the case will be randomly reassigned to a district judge. If this occurs, the parties cannot later consent to reassignment of the case to any other magistrate judge.

The parties are further advised that they are free to withhold consent without adverse substantive consequences. If the parties agree to the exercise of jurisdiction by the magistrate judge, the parties shall jointly or separately file a statement of consent setting forth such election. Except as provided in Local Rule 73-2.4.1.1, for cases originally filed in district court and initially assigned only to a magistrate judge, the statement of consent shall be filed within 42 days after service of the summons and complaint upon that defendant, and within 42 days by plaintiff after service upon the first-served defendant. If the United States, an agency of the United States, or an officer or employee of the United States is a defendant, the statement of consent shall be filed by the government defendant within 60 days after service of the summons and complaint upon that defendant.

For cases removed from state court and initially assigned only to a magistrate judge, a joint or separate statements of consent shall be filed by plaintiff and all defendants upon whom service has been effected, within 14 days after the notice of removal is filed.

Since magistrate judges do not handle felony criminal trials, civil trial dates are not at risk of being preempted by a felony criminal trial, which normally has priority. Further, in some cases, the magistrate judge may be able to assign an earlier trial date than a district judge. There may be other advantages or disadvantages which you will want to consider.

Any appeal from a judgment of the magistrate judge shall be taken to the United States Court of Appeals in the same manner as an appeal from any other judgment of the district court in accordance with 28 U.S.C. §636(c)(3).

If a party has not consented to the exercise of jurisdiction by the magistrate judge within the time required by Local Rule 73-2, the case shall be randomly reassigned to a district judge and a magistrate judge shall be randomly assigned to the case as the discovery judge. (Local Rule 73-2.6)

You may contact the Civil Consent Case Coordinator at (213) 894-1871 or [consentcoordinator@cacd.uscourts.gov](mailto:consentcoordinator@cacd.uscourts.gov) if you have any questions about the Direct Assignment of Civil Cases to Magistrate Judges Program.

## II. CONTINUING OBLIGATION TO REPORT RELATED CASES

Parties are under the continuing obligation to promptly advise the Court whenever one or more civil actions or proceedings previously commenced and one or more currently filed appear to be related.

Local Rule 83-1.3.3 states: "It shall be the continuing duty of the attorney in any case promptly to bring to the attention of the Court, by filing a Notice of Related Case(s) pursuant to Local Rule 83-1.3, all facts which in the opinion of the attorney or party appear relevant to a determination whether such action and one or more pending actions should, under the criteria and procedures set forth in Local Rule 83-1.3, be heard by the same judge."

Local Rule 83-1.2.1 states: "It is not permissible to dismiss and thereafter re-file an action for the purpose of obtaining a different judge."

Local Rule 83-1.2.2 provides: Whenever an action is dismissed by a party or by the Court before judgment and thereafter the same or essentially the same claims, involving the same or essentially the same parties, are alleged in another action, the later-filed action shall be assigned to the judge to whom the first filed action was assigned. It shall be the duty of every attorney in any such later-filed action to bring those facts to the attention of the Court in the Civil Cover Sheet and by the filing of a Notice of Related Case(s) pursuant to L.R. 83-1.3.

## III. SERVICE OF PAPERS AND PROCESS

Local Rule 4-2 states: "Except as otherwise provided by order of Court, or when required by the treaties or statutes of the United States, process shall not be presented to a United States Marshal for service." Service of process must be accomplished in accordance with Rule 4 of the Federal Rules of Civil Procedure or in any manner provided by State Law, when applicable. Service upon the United States, an officer or agency thereof, shall be served pursuant to the provisions of FRCP 4(i). Service should be promptly made; unreasonable delay may result in dismissal of the action under Local Rule 41 and Rule 4(m) of the Federal Rules of Civil Procedure. Proof of service or a waiver of service of summons and complaint must be filed with the court.

DEC 12 2013

Date

Clerk, U. S. District Court

By JULIE PRADO  
Deputy Clerk



AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the  
Central District of California

BENJAMIN K. HABER

*Plaintiff*

v.

UNITED RECOVERY SYSTEMS, LP, and DOES 1  
to 10, inclusive,

*Defendant*

Civil Action No.

CV13-9162 MAN

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

UNITED RECOVERY SYSTEMS, LP  
5800 North Course Drive  
Houston, Texas 77072

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

G. Thomas Martin, III, Esq. (SBN 218456)  
PRICE LAW GROUP, APC  
15760 Ventura Blvd., Suite 1100  
Encino, CA 91436  
T: (818) 907-2030; F: (866) 397-2030  
tom@plglawfirm.com

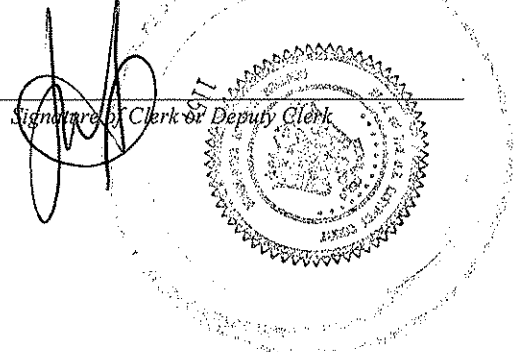
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: \_\_\_\_\_

DEC 12 2013

CLERK OF COURT

Signature of Clerk or Deputy Clerk



AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

## UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

## CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐) DEFENDANTS (Check box if you are representing yourself ☐)

BENJAMIN K. HABER

UNITED RECOVERY SYSTEMS, LP, and DOES 1 to 10, inclusive

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

G. Thomas Martin, III (SBN 218456)  
 PRICE LAW GROUP, APC, (818)907-2030  
 15760 Ventura Blvd., Suite 1100, Encino, CA 91436

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

## II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

- |   |   |   |   |
|---|---|---|---|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 <input type="checkbox"/> 2         | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5         |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3         | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6         |

## IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding ☐ 2. Removed from State Court ☐ 3. Remanded from Appellate Court ☐ 4. Reinstated or Reopened ☐ 5. Transferred from Another District (Specify) ☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No ☐ MONEY DEMANDED IN COMPLAINT: \$ according to proof

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Fair Debt Collection Practices Act-15 U.S.C. §1692; Rosenthal Fair Debt Collection Practices Act, CAL. CIV. §1788; the Telephone Consumer Protection Act, 47 U.S.C. §227

## VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	<b>Habeas Corpus:</b>	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b>	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	<b>PERSONAL PROPERTY</b>	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 530 General	<b>SOCIAL SECURITY</b>
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<b>Other:</b>	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input checked="" type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<b>BANKRUPTCY</b>	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<b>FEDERAL TAX SUITS</b>
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>FORFEITURE/PENALTY</b>	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	<b>REAL PROPERTY</b>	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<b>LABOR</b>	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 751 Family and Medical Leave Act	
				<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

CV13-9162

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII. VENUE:** Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court?	STATE CASE WAS PENDING IN THE COUNTY OF:	INITIAL DIVISION IN CACD IS:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action?	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
	<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western

Question C: Location of plaintiffs, defendants, and claims?	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>C.1. Is either of the following true? If so, check the one that applies:</b>  <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D  <p style="text-align: center;">Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below.</p> <p style="text-align: center;">If none applies, answer question C2 to the right. →</p>	<b>C.2. Is either of the following true? If so, check the one that applies:</b>  <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C  <p style="text-align: center;">Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below.</p> <p style="text-align: center;">If none applies, go to the box below. ↓</p>
Your case will initially be assigned to the <b>WESTERN DIVISION.</b> Enter "Western" in response to Question D below.	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	Western

## UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

## CIVIL COVER SHEET

**IX(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**IX(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY  
(OR SELF-REPRESENTED LITIGANT):** \_\_\_\_\_

*J. Thomas Kiste*

DATE: 12/11/2013

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))